

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

CONVOLVE, INC.,

Plaintiff,

v.

**DELL INC.,
HITACHI GLOBAL STORAGE
TECHNOLOGIES, INC.,
HITACHI LTD.,
WESTERN DIGITAL CORPORATION,**

Defendants.

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CIVIL ACTION NO. 2:08-CV-244-CE

JURY TRIAL DEMANDED

**PLAINTIFF CONVOLVE, INC.'S PROPOSED JURY VERDICT FORM AS TO
DEFENDANT DELL INC.**

QUESTION NO. 1 (DIRECT INFRINGEMENT)

1(A). Did Convolv prove by a preponderance of evidence that Dell infringes any of the following claims of the '473 patent?

1(B). Did Convolv prove by clear and convincing evidence that Dell's infringement, if any, was willful?

Please check "YES" or "NO" in column 1(A) as to each claim. For each claim you answer "YES" to in column 1(A), in column 1(B) answer "YES" or "NO." If you answer "NO" in column 1(A) as to all claims, do not answer the corresponding column 1(B).

	1(A)		1(B)	
	INFRINGEMENT		WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 2 (INDUCED INFRINGEMENT)

2(A). Did Convolv prove by a preponderance of evidence that Dell induced the infringement of any of the following claims of the '473 patent?

2(B). Did Convolv prove by clear and convincing evidence that Dell's induced infringement, if any, was willful?

Please check "YES" or "NO" in column 2(A) as to each claim. For each claim you answer "YES" to in column 2(A), in column 2(B) answer "YES" or "NO." If you answer "NO" in column 2(A) as to all claims, do not answer the corresponding column 2(B).

	2(A)		2(B)	
	INFRINGEMENT		WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 3 (CONTRIBUTORY INFRINGEMENT)

3(A). Did Convolv prove by a preponderance of evidence that Dell contributed to the infringement of any of the following claims of the '473 patent?

3(B). Did Convolv prove by clear and convincing evidence that Dell's contributory infringement, if any, was willful?

Please check "YES" or "NO" in column 3(A) as to each claim. For each claim you answer "YES" to in column 3(A), in column 3(B) answer "YES" or "NO." If you answer "NO" in column 3(A) as to all claims, do not answer the corresponding column 3(B).

	3(A) INFRINGEMENT		3(B) WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 4 (ANTICIPATION)

4. Did Dell prove by clear and convincing evidence that any of the following claims of the '473 patent is anticipated? Place a check in the appropriate "YES" or "NO" column as to each claim.

	YES	NO
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 14	_____	_____
Claim 15	_____	_____

QUESTION NO. 5 (OBVIOUSNESS)

5. Did Dell prove by clear and convincing evidence that any of the following claims of the '473 patent is obvious? Place a check in the appropriate "YES" or "NO" column as to each claim.

	YES	NO
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 14	_____	_____
Claim 15	_____	_____

QUESTION NO. 6 (DAMAGES)

6. What sum of money do you find is adequate as a reasonable royalty to compensate Convolv for the conduct of Dell that you found to infringe from June 18, 2002 through the present date? Answer in dollars and cents:

\$ _____

QUESTION NO. 7 (FUTURE DAMAGES)

7. What sum of money do you find is adequate to compensate Convolv for the conduct of Dell you found to infringe, that occurs after the present date?

\$ _____ per unit

DATE _____

INITIALS OF FOREPERSON _____

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

CONVOLVE, INC.,

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Defendants.

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CIVIL ACTION NO. 2:08-CV-244-CE

JURY TRIAL DEMANDED

PLAINTIFF CONVOLVE, INC.'S PROPOSED JURY VERDICT FORM AS TO
DEFENDANTS HITACHI GLOBAL STORAGE TECHNOLOGIES, INC. AND
HITACHI LTD.

QUESTION NO. 1 (DIRECT INFRINGEMENT)

1(A). Did Convolve prove by a preponderance of evidence that Hitachi infringes any of the following claims of the '473 patent?

1(B). Did Convolve prove by clear and convincing evidence that Hitachi's infringement, if any, was willful?

Please check "YES" or "NO" in column 1(A) as to each claim. For each claim you answer "YES" to in column 1(A), in column 1(B) answer "YES" or "NO." If you answer "NO" in column 1(A) as to all claims, do not answer the corresponding column 1(B).

	1(A) INFRINGEMENT		1(B) WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 2 (INDUCED INFRINGEMENT)

2(A). Did Convolv prove by a preponderance of evidence that Hitachi induced the infringement of any of the following claims of the '473 patent?

2(B). Did Convolv prove by clear and convincing evidence that Hitachi's induced infringement, if any, was willful?

Please check "YES" or "NO" in column 2(A) as to each claim. For each claim you answer "YES" to in column 2(A), in column 2(B) answer "YES" or "NO." If you answer "NO" in column 2(A) as to all claims, do not answer the corresponding column 2(B).

	2(A)		2(B)	
	INFRINGEMENT		WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 3 (CONTRIBUTORY INFRINGEMENT)

3(A). Did Convolv prove by a preponderance of evidence that Hitachi contributed to the infringement of any of the following claims of the '473 patent?

3(B). Did Convolv prove by clear and convincing evidence that Hitachi's contributory infringement, if any, was willful?

Please check "YES" or "NO" in column 3(A) as to each claim. For each claim you answer "YES" to in column 3(A), in column 3(B) answer "YES" or "NO." If you answer "NO" in column 3(A) as to all claims, do not answer the corresponding column 3(B).

	3(A) INFRINGEMENT		3(B) WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 4 (ANTICIPATION)

4. Did Hitachi prove by clear and convincing evidence that any of the following claims of the '473 patent is anticipated? Place a check in the appropriate "YES" or "NO" column as to each claim.

	YES	NO
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 14	_____	_____
Claim 15	_____	_____

QUESTION NO. 5 (OBVIOUSNESS)

5. Did Hitachi prove by clear and convincing evidence that any of the following claims of the '473 patent is obvious? Place a check in the appropriate "YES" or "NO" column as to each claim.

	YES	NO
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 14	_____	_____
Claim 15	_____	_____

QUESTION NO. 6 (DAMAGES)

7. What sum of money do you find is adequate as a reasonable royalty to compensate Convolve for the conduct of Hitachi that you found to infringe from June 18, 2002 through the present date? Answer in dollars and cents:

\$ _____

QUESTION NO. 7 (FUTURE DAMAGES)

8. What sum of money do you find is adequate to compensate Convolve for the conduct of Hitachi you found to infringe, that occurs after the present date?

\$ _____ per unit

DATE _____

INITIALS OF FOREPERSON _____

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Plaintiff,

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JURY TRIAL DEMANDED

PLAINTIFF CONVOLVE, INC.'S PROPOSED JURY VERDICT FORM AS TO
DEFENDANT WESTERN DIGITAL CORPORATION

QUESTION NO. 1 (DIRECT INFRINGEMENT)

1(A). Did Convolv prove by a preponderance of evidence that Western Digital infringes any of the following claims of the '473 patent?

1(B). Did Convolv prove by clear and convincing evidence that Western Digital's infringement, if any, was willful?

Please check "YES" or "NO" in column 1(A) as to each claim. For each claim you answer "YES" to in column 1(A), in column 1(B) answer "YES" or "NO." If you answer "NO" in column 1(A) as to all claims, do not answer the corresponding column 1(B).

	1(A) INFRINGEMENT		1(B) WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 2 (INDUCED INFRINGEMENT)

2(A). Did Convolv prove by a preponderance of evidence that Western Digital induced the infringement of any of the following claims of the '473 patent?

2(B). Did Convolv prove by clear and convincing evidence that Western Digital's induced infringement, if any, was willful?

Please check "YES" or "NO" in column 2(A) as to each claim. For each claim you answer "YES" to in column 2(A), in column 2(B) answer "YES" or "NO." If you answer "NO" in column 2(A) as to all claims, do not answer the corresponding column 2(B).

	2(A)		2(B)	
	INFRINGEMENT		WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 3 (CONTRIBUTORY INFRINGEMENT)

3(A). Did Convolv prove by a preponderance of evidence that Western Digital contributed to the infringement of any of the following claims of the '473 patent?

3(B). Did Convolv prove by clear and convincing evidence that Western Digital's contributory infringement, if any, was willful?

Please check "YES" or "NO" in column 3(A) as to each claim. For each claim you answer "YES" to in column 3(A), in column 3(B) answer "YES" or "NO." If you answer "NO" in column 3(A) as to all claims, do not answer the corresponding column 3(B).

	3(A) INFRINGEMENT		3(B) WILLFULNESS	
	YES	NO	YES	NO
Claim 7	_____	_____	_____	_____
Claim 8	_____	_____	_____	_____
Claim 9	_____	_____	_____	_____
Claim 10	_____	_____	_____	_____
Claim 14	_____	_____	_____	_____
Claim 15	_____	_____	_____	_____

QUESTION NO. 4 (ANTICIPATION)

4. Did Western Digital prove by clear and convincing evidence that any of the following claims of the '473 patent is anticipated? Place a check in the appropriate "YES" or "NO" column as to each claim.

	YES	NO
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 14	_____	_____
Claim 15	_____	_____

QUESTION NO. 5 (OBVIOUSNESS)

5. Did Western Digital prove by clear and convincing evidence that any of the following claims of the '473 patent is obvious? Place a check in the appropriate "YES" or "NO" column as to each claim.

	YES	NO
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 14	_____	_____
Claim 15	_____	_____

QUESTION NO. 6 (DAMAGES)

6. What sum of money do you find is adequate as a reasonable royalty to compensate Convolv for the conduct of Western Digital that you found to infringe from June 18, 2002 through the present date? Answer in dollars and cents:

\$ _____

QUESTION NO. 7 (FUTURE DAMAGES)

7. What sum of money do you find is adequate to compensate Convolv for the conduct of Western Digital you found to infringe, that occurs after the present date?

\$ _____ per unit

DATE _____

INITIALS OF FOREPERSON _____

DATED: June 20, 2011

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

/s/ A. James Anderson

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ATTORNEYS FOR PLAINTIFF CONVOLVE, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 20th day of June 2011.

/s/ A. James Anderson

A. James Anderson